REMARKS/ARGUMENTS

The above-noted amendment to claims 102 is submitted in response to the Examiner's notation that this claim failed to include a period at the end. Applicants have also amended claim 107 to correct typographical errors therein. Clearly these amendments do not include any new matter.

Applicants also wish to respond to the official action dated January 22, 2007, in order to clarify certain inaccuracies in the Examiner's position, and to explain why, based on the record before us alone, it is clear that this application is directed to patentable subject matter, and is, in fact, in condition for allowance.

Firstly, in the latest official action, the rejection of most of the independent claims in this case based upon Miranda *et al.*, Sablotsky, and Wolter *et al.*, relies upon the alleged disclosure of propylene glycol as a critical element in each of those rejections. This, in fact, provides the sole basis for the Examiner's contention that the art discloses transdermal systems which include solvent systems which are substantially free of low volatility solvents, and which are not driven off during drying at from 100 to 200°F. These assertions, in turn, are based upon the Examiner's contention that propylene glycol has a boiling point at 1 ATM of 45.5°C, which is said to fall within the claimed temperature ranges for drying. Thus, the linchpin of the Examiner's basis for rejecting most of the claims in this application is based upon a clear error. The boiling point of propylene glycol is, in fact, 188°C (*The Merck Index*, 12 ed., p.1349, entry 8040.) (*See also,* Wickopedia.org, under propylene glycol.) This error is clearly crucial to the Examiner's position in response to applicants' voluminous arguments in support of the present claims and to the clear patentability of these claims over the prior art, as will be

discussed in more detail below.

Secondly, the Examiner continues to reject most of the claims in this application over Mantelle *et al.* under 35 U.S.C. § 102(e). This is being done in the face of a Declaration under Rule 131 which was filed on October 30, 2006, and which clearly overcomes this rejection. The Examiner, however, continues to maintain that there is potentially interfering subject matter between claim 1 of Mantelle *et al.* and present claim 94, which is based on a contention that the reference discloses DURO-TAK 87-2852 as a preferred polymer, and that claim 1 of Mantelle *et al.* appears to include this polymer.

Applicants would point out that in applicants' parent Application No. 08/883,075, which has now become U.S. Patent No. 7,150,881 ("the '881 Patent"), which included claims which are, according to the Examiner, not identical but not patentably distinct from the presently pending claims, essentially the same rejection was made. Thus, in an official action dated December 6, 2005, those claims were rejected over Mantelle *et al.* under 35 U.S.C. § 102(e). At that time, applicants noted that Mantelle *et al.* had actually been cited by the Examiner in an earlier official action dated July 23, 2002, and was applied in a rejection which, like the present rejection, relied upon the disclosure of DURO-TAK 87-2852 therein. In their response in the parent application, as in this case, applicants filed a Declaration under Rule 131 swearing behind Mantelle *et al.* Furthermore, in doing so in response to the official action in July of 2002, the rejection was withdrawn, but was then again made in December of 2005. Applicants have continually emphasized the fact that the claims in Mantelle *et al.*, which are the essential element in the Examiner's contention that the Declaration under Rule 131 is inapplicable and that § 102(e) applies thereto, are different from and not supported by

applicants' disclosure. The Examiner has previously applied the "two-way test" in determining this issue; namely, whether the claims pending in the present application are patentable over claims such as claim 1 of Mantelle *et al.*, and *vice versa*. *See Winter & Fujita*, 53 U.S.P.Q.2d 1234, 1243 (Bd. Pat. App. & Interf. 1999). From the point of view of claim 1 of Mantelle *et al.*, the invention claimed therein is quite different from that of the presently pending claims in that it is specifically directed to an acrylic-based polymer having a specified shear resistance so that it can maintain sufficient tack and shear to remain in place during use. The thrust of the invention of claim 1 is thus to select a particular acrylic adhesive which has certain specific properties in order to allegedly obtain these results. Turning to the claims in the present application, including independent claims 1, 67, 76, 85, 91, 94, 103, and 114, these claims are directed to entirely different inventions; namely, those based on the incorporation of a biocompatible deprotonating agent in a nonaqueous solvent and a protonated active agent, those which are primarily based upon the exclusion of certain solvent systems; namely, water and liquids having boiling points below processing temperatures (100 to 200°F) and equal to or greater than the boiling point of the drug itself, and those which are primarily based upon the specific nature of the acrylic polymeric adhesives utilized therewith. Again, totally different inventive concepts are involved, and they are in no way based on a determination of the shear resistance of the acrylic polymers hereof.

These differences were, in fact, highlighted during prosecution of Mantelle *et al.* itself. During that prosecution, a declaration was filed under Rule 132 comparing four acrylic-based pressure-sensitive adhesives; namely, DURO-TAK 87-2979, 87-1297, and 387-2553, as well as DURO-TAK 87-2852, which was said to be the one with high shear-resistance

characteristics. The first three adhesives were said to be lower than minimum shear resistance. That declaration thus included a table showing that the first three DURO-TAK adhesives had a shear resistance of 24 and 2 hours, respectfully, at 4 psi at 72°F, but that DURO-TAK 87-2852 was said to be greater than 100 hours at 4 psi at 72°F (50 hours at 8 psi at 72°F). These polymers were then formulated with selegiline base and a silicon pressure-sensitive adhesive (Bio-PSA X7-4501) in the proportions set forth in the following table.

Raw Material	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7	Ex. 8
Selegiline Base	20	20	20	20	15	15	15	15
Bio-PSA X7-4501*	20	20	20	20	20	20	20	20
Duro-Tak 87-2852	60	-	-	-	65	-	-	-
Duro-Tak 87-2097	-	6-	-	-	-	65	-	-
Duro-Tak 387-2353	-	-	60	-	-	-	65	-
Duro-Tak 87-2979	-	-	-	60	-	-	-	65

*Silicone PSA, Dow Corning Corp., Midland, Michigan

The shear-resistance characteristics of these materials were then tested, and those with less than 2 to 3 minutes were generally said to be gummy and oozy compositions. The following table was said to show that Examples 1 and 5 had acceptable shear-resistance values.

Samples	Shear Values (minutes)
1	5.6
2	0.2*
3	0.7
4	0.1*
5	13.9
6	0.4
7	1.4
8	0.1

*Only one unit tested (samples delaminated/fell apart)

The claims in that application were then amended to include the same shear-resistance values.

Once again, this can be contrasted to the claims in the present application. It is clear that claim 1, for example, in Mantelle *et al.* does not teach or suggest the invention to which the present claims are directed. There is nothing in claim 1 about the inventive concepts of excluding water and certain low volatility solvents from these compositions, of utilizing a biocompatible deprotonating agent in conjunction with these protonated active agents in a specified solvent system, or of utilizing specified acrylic adhesives in conjunction with these highly plasticizing drugs in order to obtain the results of the present invention. To the contrary, a totally different invention; namely, selection of a particular adhesive polymer with a particular shear resistance, is the sole invention of that claim. This, however, would not even suggest the use of the very same acrylic polymers excluded from claim 1 in compositions which have these properties by virtue of their exclusion of water and low volatility solvents or their use of the specific acrylic adhesives hereof. Therefore, applying the two-way test referred to by the Examiner, if claim 1 of Mantelle *et al.* were prior art against the claims in this application, it is respectfully submitted that the present claims would clearly be patentable over this prior art. The prior art (claim 1) would not in any way, shape or form suggest the claimed inventions of excluding water and certain low volatility solvents from these compositions, or of utilizing certain specified acrylic adhesives in conjunction with the highly plasticizing active agents hereof, or certainly not of utilizing a biocompatible deprotonating agent in conjunction with the protonated active agents hereof in a specified solvent system, in order to obtain the present results. Indeed, claim 1 would, in fact, teach away from these inventions because it would

clearly teach, for example, that using acrylic polymers that do not meet the requirements of claim 1 would not work. To the contrary, however, the present application proves that by employing the claimed inventions hereof, it is possible to use many acrylic polymer compositions which would not meet the requirements of Mantelle *et al.*, but which would nevertheless result in the improved results of the present invention.

On the other hand, if the present claims were prior art against claim 1 of Mantelle *et al.*, it is submitted that claim 1 would clearly be patentable thereover because the claims in this application do not suggest that by merely selecting acrylic polymers meeting specific shear resistance requirements one can achieve the results claimed by Mantelle *et al.* To the contrary, the present specification is replete with data demonstrating that shear resistance is not a predictable factor in selecting the products of this invention. Products with varying shear resistance properties were tested in this application, and it was found that this was not a critical factor in selecting the improved products hereof. Applicants therefore assert that the two-way test establishes that the invention of Mantelle *et al.* and the invention of the present claims are truly different inventions, and that there would be no interfering subject matter therebetween, that no interference in fact could exist, and that the provisions of 35 U.S.C. § 102(e) should not be applied in this case.

Even understanding all of this, it appears to be the Examiner's position, in view of the sole fact that Mantelle *et al.* and the present application disclose a single species of acrylic adhesive (namely, DURO-TAK 87-2852), which the Examiner contends could be used in both the claimed invention hereof and that of Mantelle *et al.*, that this rejection is appropriate.

The Examiner cites no authority for the specific rejection over Mantelle *et al.* under 35 U.S.C. § 102(e), nor the refusal to accept the previously filed Declaration under Rule 131 herein. The rejection itself, however, is clearly based upon a contention that applicants and Mantelle *et al.* are claiming the "same invention," and therefore Rule 131 does not apply. This, in turn, is clearly based upon the allegation that the DURO-TAK 87-2852 disclosed in Mantelle *et al.* is the same as one polymer specified by applicants as being useful in the present application. It is thus the Examiner's position that a single point of overlap between the acrylic polymers within the scope of the claims in Mantelle *et al.* and the acrylic polymers within the scope of applicant's claims makes it unquestionable that the "same invention" is involved in both cases. The Examiner's position is without support, either legally or logically. Indeed, based on the Examiner's position, one application claiming the combination of elements A, B and C, and another application claiming the combination of elements A, D and E, would constitute interfering subject matter simply because they both include element A — but it is clear that there would be absolutely no basis for an interference therebetween.

Applicants have described above the many reasons why the claims in this application and those in Mantelle *et al.* are patentably distinct from each other. On a factual basis, however, attached hereto as Exhibit A is a specification from National Starch and Chemical Co. with respect to that company's Product No. DURO-TAK 87-2852 which specifies that this product has a shear strength of "at least 20 hours at 8 psi." It is therefore unclear whether, by the mere disclosure of DURO-TAK 87-2852 as one embodiment of a suitable acrylic polymer for use in the invention of that patent, that this can be said to clearly establish that the claims of Mantelle *et al.*, such as

claim 1, also clearly include this compound. If DURO-TAK 87-2852 is only disclosed in Mantelle *et al.*, but is not claimed therein, there is no barrier to the acceptance of applicants' Declaration under Rule 131. On the other hand, if as stated by the manufacturer of that product, there is a variability in the shear strength of DURO-TAK 87-2852, so that it can presumably be either above or below the limits set forth in the claims of Mantelle *et al.*, the mere disclosure of that compound in Mantelle *et al.* does not necessarily mean that the claims which ultimately issued in Mantelle *et al.* actually do incorporate DURO-TAK 87-2852. Thus, even the single point of overlap between these claims and the claims in the present application as asserted by the Examiner may not actually exist.

Without further authority, the Examiner's position in this case is unsupportable. The attempt to prevent applicants from swearing behind Mantelle *et al.* based solely upon an alleged coincidence of a single overlapping point with respect to the acrylic adhesive which is allegedly usable in both of these inventions is an entirely inadequate and improper basis for concluding that applicants and Mantelle *et al.* are claiming the "same invention." This is simply not the case here; applicants could not support the limitations in the claims in Mantelle *et al.* based on their specification; and there is simply no reason why the Declaration under Rule 131 has not been accepted in this case. If the Examiner refuses to accept this position and persists in this rejection, it is respectfully requested that some authority for this specific position (namely, that a single point of overlap between one of the elements in applicants' claims and the claims in Mantelle *et al.* even if one such point does exist — which applicants vehemently deny) establishes that these two patents are claiming the "same

invention." It is believed that there is no real authority for this position.

In any event, in response to all of these arguments, which were presented in applicants' prior application, the Examiner previously acceded to this position, and the '881 Patent then issued thereover. It is respectfully submitted that, from the point of view of consistency alone, it is clear that the Examiner has already agreed that this rejection does not apply against similar claims, and it is further clear that it does not apply with respect to the claims, including claim 67, in this application. That aside, it is also clear from a legal standpoint, based upon all of the above-noted arguments, that the Declaration under Rule 131 is fully adequate to overcome this reference, and that Mantelle *et al.* should be withdrawn as a reference hereagainst. Furthermore, since Mantelle *et al.* is the only basis for the rejection of claims 89, 90, 94-111, and 113-119, at least these claims are certainly in condition for allowance.

Claims 67, 69-76, 78-88, and 91-93 have been rejected as being unpatentable over Miranda *et al.* under 35 U.S.C. § 103(a). After repeating his prior position with respect to the Miranda *et al.* disclosure, the Examiner concludes that it would be obvious to make a composition comprising an acrylate to delivery selegiline to achieve the beneficial effect of transdermal delivery in view of Miranda *et al.* As to the claimed hydrophobic acrylic polymer, Miranda *et al.* is said to teach at least 50% butyl acrylate rendering the polymer hydrophilic. In response to applicants' argument that applicants claimed away from propylene glycol, the Examiner then states that propylene glycol has a boiling point at 1 ATM of 45.5°C, allegedly falling within the claimed temperature ranges. This rejection is respectfully traversed in view of the above

amendments and arguments and for the reasons set forth hereinafter.

Returning to the basic nature of the present invention, applicants have emphasized from the outset the fact that, in accordance with the present invention, one is able to tailor the release rate of the claimed highly plasticizing drugs having a low molecular weight and being liquid at or about room temperature, as well as their permeation rate through the skin, by dealing with the overall nature of these transdermal systems, and the solvent utilized therein, and by not focusing solely upon the specific adhesive utilized therein. Thus, in accordance with the present claims, the only solvents used in producing therapeutic adhesive formulations including a highly plasticizing drug are relatively high volatility solvents, such as ethanol, which are removed upon drying. Less volatile solvents such as propylene glycol, however, which remain in these systems even after drying at these temperatures, as is specifically discussed in the specification at ¶[0026], are specifically excluded from the presently claimed adhesive formulations, the Examiner's contention to the contrary notwithstanding. Once again, since Miranda *et al.* specifically teaches one to utilize such solvents, it is abundantly clear that this reference cannot at the same time be said to somehow teach one to exclude these solvents, as required by these claims. Miranda *et al.* clearly teaches away from the present invention, and the entire basis for the Examiner's rejection based on Miranda *et al.* is believed to be insupportable.

In addition to the impact of applicants' clarification of the boiling point of propylene glycol, which directly impacts upon the central basis for the Examiner's position in this case, applicants would repeat all of their prior contentions with respect to the deficiencies of Miranda *et al.* with respect to the amended claims set forth herein. As applicants had

previously pointed out, Miranda *et al.* does not suggest the presently claimed invention, which requires that at least one solvent be present, but that it explicitly cannot be a solvent having the low volatility and specific temperatures required thereby, such as propylene glycol. Miranda *et al.*, however, teaches a system with no solvent at all, or a system with the solvents set forth at column 13 thereof, including propylene glycol. It is clear that Miranda *et al.* does not teach, suggest or disclose the presently claimed invention, including the solvent system required by these claims. Applicants have also previously pointed out that claim 67 is not limited to acrylic polymers but covers a broader class of polymer systems. It was thus pointed out that, when Miranda *et al.* discloses an embodiment in which plasticizing drugs are used which might not require any solvents at all, the failure of the teachings in Miranda *et al.* regarding the present invention become even more apparent. Thus, when utilizing systems other than acrylate polymer systems, it might well be necessary to include solvents such as those disclosed and claimed in the present application in connection with those drugs. Miranda *et al.* clearly fails to recognize this fact by teaching the use of no solvents at all or the use of co-solvents including propylene glycol, which are excluded from the present claims and whose presence would clearly prevent one from realizing the results obtainable herewith.

Claims 67, 69-70, 72, 73, 76, 78, 79, 82, 82, 85-88, and 91-93 have been rejected as being unpatentable over Sablotsky under 35 U.S.C. § 103(a). As in the case with Miranda *et al.*, the Examiner contends that it would be obvious to make a composition comprising an acrylate to deliver a drug to achieve the beneficial effect of transdermal delivery in view of Sablotsky. The Examiner then incorporates the statements as well as a response to applicants' argument following the first

103 motivation to combine herein. This rejection is respectfully traversed in view of the above amendments and arguments and for the reasons set forth hereinafter.

The fact is that the disclosure in Sablotsky is quite similar to that in Miranda *et al.*, and once again, there is no suggestion whatsoever in Sablotsky to employ a solvent system including at least one solvent but where that solvent does not include a nonvolatile solvent as defined by these claims, such as propylene glycol. Once again, the Examiner's position with respect to this disclosure and its inclusion of propylene glycol, which clearly has a boiling point which excludes it from the present claims, makes it clear that Sablotsky is not a reference which renders these claims unpatentable. To the contrary, like Miranda *et al.*, it teaches away from the present invention and would not lead one of ordinary skill in the art to achieve the improved results set forth in this application by utilizing this invention.

Claims 1-3, 5, 8-10, 12-15, 18-23, and 26-28 have been rejected as being unpatentable over Lhila *et al.* under 35 U.S.C. § 103(a). The Examiner repeats his contentions with respect to the disclosure of this reference, and concludes that it would be obvious to make a composition comprising an acrylate to deliver a drug to achieve the beneficial effect of transdermal delivery in view of Sablotsky [Lhila *et al.*]. With reference to the claimed amount of triethanolamine relative to the active, the Examiner contends that without a showing of criticality, optimal suitable amounts may be obtained by routine experimentation. This rejection is respectfully traversed in view of the above amendments and arguments and for the reasons set forth hereinafter.

In response to all of applicants' prior arguments, the Examiner continues to allege that the disclosure of specific permeation enhancers in Lhila *et al.*, regardless of the reasons

for their inclusion, meets the requirements of the elements in claim 1. Applicants, however, have amended claim 1 to clarify the fact that a biocompatible deprotonating agent of the present invention must be present in at least a stoichiometric amount compared to the amount of the pharmaceutically active agent, and thus must be sufficient to substantially completely deprotonate that agent. In response, the Examiner takes the position that the amount of deprotonating agent such as triethanolamine is not a significant factor since it is only a matter of routine experimentation. However, this is clearly not the case.

It is initially pointed out that the Examiner has been referring to the portion of Lhila *et al.* which merely states that the addition of mixtures of permeation enhancers and pH control additives acting as an enhancer will have the desired effect of assisting in transmittal of the drug through the skin layer. The pH control additives are said to include Trolamine 85NF, a triethanolamine. However, as a permeation enhancer, it is said to be useful in amounts of from about 0.5% by weight up to a maximum value of about 15% by weight, and applicants have also pointed out that in Examples I-III in column 3 of Lhila, the amount of Trolamine component is preferably 1/10 of the amount of PPA utilized in the examples. This was contrasted to the present invention, which requires a stoichiometric amount of deprotonating agent to deprotonate essentially all of the active agent, and in which the relationship of deprotonating agent to active agent in Example 4, for example, in the present application is thus about 1:1. This is not merely a matter of routine experimentation. The reference does not teach anything about the use of <u>any</u> compound, including Trolamine, for deprotonating the active agent. To the contrary, it is added in specifically limited amounts for the purpose of creating permeation enhancement. Having failed to teach this, there would be no reason whatsoever

to suggest using stoichiometric amounts of this material for a purpose; namely, to deprotonate all of the active agent therein, where the reference itself does not suggest deprotonating anything by means of this component. Based upon the specific disclosure in Lhila *et al.*, it is clear that, rather than suggesting that this reference would teach the use of a stoichiometric amount, it is only on the basis of wholesale hindsight reconstruction of this reference that one can even allege that it somehow suggests using stoichiometric amounts of this material. It is therefore submitted that claim 1, for example, is clearly patentable over Lhila *et al.*, and therefore so are the various claims dependent thereon, and reconsideration of this rejection is also respectfully requested.

Claims 1-9, 11-14, 16-23, 26-28, 67, and 69-84 have been rejected as being unpatentable over Wolter *et al.* under 35 U.S.C. § 103(a). After repeating his prior position with respect to the teachings of Wolter *et al.*, again relying upon the disclosure of propylene glycol at column 2, line 55, the Examiner concludes that it would be obvious to make the composition comprising deprenyl and an acrylate polymer to achieve the beneficial effect of transdermal delivery in view of Wolter *et al.* Regarding the claimed acrylate polymer, deprotonating agent, drug and solvent, it is argued that the composition is achieved when the drug and solvent of Wolter *et al.* enter the matrix of DURO-TAK 2516 and Eudragit E, citing column 4, line 57 through column 5, line 25 thereof. Regarding the claimed percent ranges of acrylate polymer, nonaqueous solvent and drug, Wolter *et al.* is said to teach suitable amounts, and without a showing of criticality, optimum suitable amounts are said to be obtained by routine experimentation. The Examiner then finally responds to applicants' arguments claiming away from propylene glycol, again referring to the alleged boiling point thereof, and further stating that applicants are

silent as to ethanol, which has a boiling point a 1 ATM of 78.5°C. Regarding the claimed ratio of Eudragit E to active, Wolter *et al.* is said to teach 3200 grams of the polymer and 2000 grams of deprenyl chloride in Example 4, and again without a showing of criticality, optimum suitable amounts are said to be obtainable by routine experimentation. The Examiner finally contends that applicants continue to argue but do not disclaim two layers. This rejection is respectfully traversed in view of the above amendments and arguments and for the reasons set forth hereinafter.

It is first noted that Wolter *et al.* is very similar to Miranda *et al.* and Sablotsky in terms of its teachings. Once again, reference to propylene glycol, and confirmation of the true boiling point of that compound obviates reliance on Wolter *et al.* in the first instance. Irrespective of that clear distinction, and turning to the overall disclosure in Wolter *et al.*, applicants have previously pointed out that this reference specifically discloses that when a salt of the drug is utilized, the ability for it to diffuse may be improved by concomitant use of a conventional solubilizer "such as glycerol 1,2-propanediol, the monomethyl or monoethyl ether of diethylene glycol, 2-octyldodecanol, the laurate, palmitate, stearate or oleate of sorbitol, C_8/C_{10} ethoxylated glycerides, and ethoxylated oleic glycerides." (*See* col.2 ll.54-58.) Applicants thus previously stressed that, particularly with respect to claims such as claim 67, this patentee not only fails to disclose compositions substantially free of low volatility solvents which are not driven off during drying at from 100 to 200°F, but, to the contrary, actually requires that such solvents be incorporated into their system. At this point, however, in view of the prior amendments to claims such as claim 67, in which it is now required that at least one solvent

be present, but that that solvent system nevertheless be substantially free of any of these low-volatility solvents, including compounds such as propylene glycol, it is clear that the "optional" nature of the teaching in Wolter *et al.* does not result in the claimed product. Thus, with these optional solvents, either they are not present at all, in which case the use of the solvent system required by these claims is not suggested, or the solvents are present, but they include the low-volatility solvents which are excluded from these claims. Furthermore, when Wolter *et al.*, at column 3 thereof, describes his second layer (b), applicants once again urge that this composition includes compounds which would not meet the limitations of the present claims, including the very same nonvolatile solvents which are specifically excluded by the present claim language. It is, therefore, respectfully submitted that all of these claims are clearly patentably distinguishable over this reference, and reconsideration and allowance of these claims is respectfully solicited.

With respect to the impact of Wolter *et al.* on claims such as claim 1, reference need only be made to Example 1, the only example in Wolter *et al.* In this example, selegeline in protonated form is employed in step 1.1, but the remaining steps in this method of preparation do not include any step in which a nonvolatile amine or any other materials are used which could possibly be defined as a biocomparable deprotonating agent strong enough to essentially deprotonate the pharmaceutically active agent without causing irritation upon prolonged exposure to the skin. It is, therefore, clear that this reference also does not render claims such as claim 1 obvious, and reconsideration and allowance of these claims is also respectfully solicited.

With respect to the rejection of claims 1-14, 17-21, 26-28, 67, 69-111, and 113-119 over Mantelle *et al.* under 35 U.S.C. § 102(e), applicants have already set forth their position regarding this reference, and the specific reasons why the previously filed Declaration under Rule 131, which was previously accepted by this very same Examiner, applies with at least equal force to these claims and should obviate this rejection.

Finally, claims 67-75, 94-95, 101, 102, 105-111, 113, 115, and 119 have been rejected on the basis of obviousness-type double patenting over claims 1-10 and 1-17 of U.S. Patent Nos. 7,070,808 and 7,150,881, respectively. Applicants, however, will deal with this rejection by considering the filing of a terminal disclaimer which would clearly obviate this rejection as soon as the Examiner concurs in the presence of patentable subject matter in this application.

It is therefore respectfully submitted that, contrary to the Examiner's prior position, all of the claims in this application are now in condition for allowance, and reconsideration and allowance of these claims is therefore respectfully solicited.

Once again, however, if the Examiner for any reason does not agree with this position, respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Finally, if there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: March 28, 2007

Respectfully submitted,

By 

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